

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

CHARLES D. GALLOWAY

PLAINTIFF

v.

No. 1:20CV217-RP

MISSISSIPPI, ET AL.

DEFENDANTS

ORDER OF DISMISSAL

The court, *sua sponte*, takes up the dismissal of the plaintiff's case filed under 42 U.S.C. § 1983. The plaintiff, a prisoner proceeding *pro se*, seeks review of his pretrial detention imposed under the laws of Mississippi. The plaintiff alleges that he was falsely accused of a crime. He seeks the firing of "the dishonorable people in the justice system of New Albany," their legal licenses revoked, and money damages. Doc. 1. He does not challenge the conditions of his confinement, as required under 42 U.S.C. § 1983; he instead challenges the fact and duration of his pretrial confinement, a claim which he should have brought as a *habeas corpus* claim under 28 U.S.C. § 2241. A claim under 42 U.S.C. § 1983 does not accrue until the detention order has been invalidated. *Heck v. Humphrey*, 512 U.S. 477, 489-90 (1994). As the plaintiff has not shown that his detention order has been reversed, expunged, invalidated or impugned by the grant of a writ of *habeas corpus*, his claim under 42 U.S.C. § 1983 is not ripe for consideration and is **DISMISSED** for failure to state a claim upon which relief could be granted, counting as a "**STRIKE**" under 28 U.S.C. § 1915(g). The dismissal is without prejudice to the plaintiff's ability to file a *habeas corpus* claim under 28 U.S.C. § 2241.

Including this dismissal, Mr. Galloway has accumulated more than three "strikes" under 28 U.S.C. § 1915(g). As such, he may not proceed as a pauper in future cases unless he is "under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

SO ORDERED, this, the 27th day of January, 2021.

/s/ Roy Percy
UNITED STATES MAGISTRATE JUDGE